S.B.Civil Writ Petition NO.675/2005

Dhagla Ram

vs

Ram Singh & Anr.

DATE OF ORDER : - 2.2.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Shambhoo Singh, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 10th Nov., 2004 by which the petitioner's application for amendment of the issue filed under Order 14 Rule 5 CPC was dismissed by the trial court. The petitioner sought amendment of the issue no.6 as the trial court framed the issue that whether the suit of the plaintiff is not maintainable as the deed in question is not registered one whereas the petitioner purposed that the deed in absence of registration is not admissible in evidence. Therefore, issue should have been framed that the deed is not admissible in evidence.

After going through the facts of the case, I do not find any illegality in the order passed by the court below as the petitioner has

right to raise his objection about the admissibility of the document at the time when the document is tendered in evidence and the objection can be decided by the court in accordance with law at appropriate stage.

Hence, I do not find any merit in this writ petition and the same is hereby dismissed.

(Prakash Tatia), J.

c.p.goyal/-